

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

KENNETH GRABLE and ARTHUR
REDDING, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

C P SECURITY GROUPS, INC,

Defendant.

Civil Action No.:

5:21-cv-00095-MTT

**SECOND MOTION TO EXTEND TIME TO FILE MOTION FOR DEFAULT
JUDGMENT AND FOR LEAVE TO SERVE SUBPOENAS**

COMES NOW, Plaintiffs Kenneth Grable and Arthur Redding, individually and on behalf of all others similarly situated, (hereinafter, "Plaintiffs") by and through the undersigned counsel, and respectfully move the Court to extend the period of time in which Plaintiffs have to file their motion for default judgment and for leave to issue and serve subpoenas, respectfully showing the Court as follows:

1.

Plaintiffs filed this civil action on March 19, 2021. (Doc. 1.) Specifically, Plaintiffs allege that Defendant C P Security Groups, Inc. (hereinafter, "Defendant") failed to pay Plaintiffs and other employees at the appropriate rate for overtime pay, failed to pay Plaintiffs and other employees at least minimum wage for hours they actually worked, and retaliated against Plaintiffs and other employees for inquiring as to whether they had been provided with the appropriate compensation.

2.

Defendant failed to respond to Plaintiffs' Notice of Lawsuit and Request to Waive Service of a Summons that Defendant received on March 22, 2021. (Doc. 4, ¶ 3.) On April 23, 2021, Plaintiffs sent correspondence to Defendant via both USPS First Class Mail and electronic mail, once again requesting that Defendant waive service of process in this action. (*Id.*, ¶ 4.) However, Defendant also failed to respond to Plaintiffs' April 23, 2021 correspondence.

3.

On May 6, 2021, Plaintiffs requested that a private process server attempt to perfect service of process on Defendant. After making several failed attempts to serve Defendant at its registered address, service of process was ultimately perfected on Defendant through its registered agent on May 12, 2021. (Doc. 4, ¶¶ 6-8; Doc. 3)

4.

After being served with process, Defendant failed to file an answer or other responsive pleading within the time provided by Rule 12 of the Federal Rules of Civil Procedure.

5.

On June 3, 2021, Plaintiffs applied to the Clerk of Court to enter default against Defendant. (Doc. 5.) The Clerk of Court entered Default as to Defendant the same day. In so doing, the Clerk instructed Plaintiffs to move for default judgment within twenty-one (21) days of the entry of Default, as well as to indicate whether a hearing would be necessary to determine damages in this case.

6.

Plaintiffs sought an extension of the initial deadline to file their motion for default judgment. (Doc. 8.) On June 24, 2021, the Court granted Plaintiffs' request for additional time,

extending their deadline to file a motion for default judgment to July 14, 2021. (Doc. 9.) For the reasons that follow, Plaintiffs now seek an additional extension of time to file such a motion.

7.

Prior to requesting an extension of time, Plaintiffs sought leave of Court to serve three Subpoenas for Production of Documents, prior to a Rule 26 conference and entry of a scheduling and discovery order, that were intended to seek documents that would ultimately support Plaintiff's motion for default judgment and evidence of their damages. (Doc. 6.) The Court granted Plaintiffs' request on June 8, 2021. (Doc. 7.)

8.

Plaintiffs attempted to serve Defendant with a Subpoena at Defendant's registered address (Doc. 6-1), but a deputy from the Jones County Sheriff's Office returned the Subpoena, stating that he was told that Defendant's Registered Agent no longer resided at the address. (Doc. 10-1 at 2.) Upon information and belief, Defendant's Registered Agent continues to reside at the address.

9.

Plaintiffs issued a Subpoena seeking Plaintiffs' payroll records to the Registered Agent for Intuit Payroll. (Doc. 6-2.) On June 15, 2021, the Gwinnett County Sheriff's Office perfected service on Intuit Payroll. (Doc. 10-2.) However, as of the date of this Motion, Plaintiffs have not received any response from this non-party.

10.

Similarly, Plaintiffs sought time and attendance records from non-party Kronos Incorporated. (Doc. 6-3.) The Subpoena was served on the Registered Agent for the non-party on June 14, 2021. (Doc. 10-3.) However, after Kronos Incorporated responded to the Subpoena (Doc. 10-4), stating that Defendant was not a customer of the non-party, Plaintiffs realized that

they should have served another party that operates a web-based time clock service with a similar name.

11.

Due to Plaintiffs' inability to obtain the documents they sought from Defendant and the two non-parties, and for the same reasons provided in Plaintiffs' initial request for an extension (*see* Doc. 8), Plaintiffs are in need of additional time to prepare their motion for default judgment.

12.

Plaintiffs intend to use any additional time granted by the Court to take additional measures to obtain the documents needed to support their motion for default judgment. For the same reasons provided Plaintiffs' first Motion (*see* Doc. 6), Plaintiffs seek leave of Court to engage in limited discovery prior to a Rule 26 conference or entry of a scheduling and discovery order.

13.

Plaintiffs seek leave of Court to make an additional attempt to serve Defendant's Registered Agent, except Plaintiffs will ask that the Bibb County Sheriff's Office serve the Registered Agent at his place of employment, the Bibb County Sheriff's Office. (Doc. 10-5.)

14.

Plaintiffs also seek leave to serve the attached Subpoena for payroll records on Middle Georgia Management Group, LLC, the vendor that Plaintiffs believe Defendant uses for accounting services and to process payroll. (Doc. 10-6.)

15.

If granted leave of Court, Plaintiffs intend to seek time and attendance records from the actual vendor that Defendant uses for timekeeping purposes. (Doc. 10-7.)

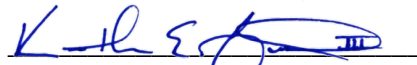
16.

Finally, Plaintiffs will serve a Subpoena on the United States Department of Labor Wage and Hour Division for records pertaining to Plaintiffs' time and attendance records and the Department's investigations into Defendant's wage and hour violations. (Doc. 10-8.)

WHEREFORE, Plaintiffs Kenneth Grable and Arthur Redding, individually and on behalf of all others similarly situated, specifically pray that the Court grant this Motion and:

- 1) provide Plaintiffs with an additional period of twenty-one (21) days in which to file their motion for default judgment; and,
- 2) grant Plaintiffs leave of Court to serve the aforementioned four subpoenas for production of documents on Defendant and three non-parties prior to a Rule 26 conference and entry of a scheduling and discovery order.

Respectfully submitted, this 8th day of July, 2021.



KENNETH E. BARTON III

Georgia Bar No. 301171

JOHN M. MCCALL

Georgia Bar No. 778954

Attorneys for Plaintiffs


COOPER, BARTON & COOPER, LLP
170 College Street
Macon, Georgia 31201
(478) 841-9007 telephone
(478) 841-9002 facsimile
keb@cooperbarton.com
jmm@cooperbarton.com

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the above and foregoing SECOND MOTION TO EXTEND TIME TO FILE MOTION FOR DEFAULT JUDGMENT AND FOR LEAVE TO SERVE SUBPOENAS by mailing a true and correct copy via United States First Class Mail, properly addressed and postage prepaid, to the following:

CP Security Groups, Inc.
c/o Christopher J. Paul, Registered Agent
3316 Trotters Ridge Trail
Gray, Georgia 31032
Defendant pro se

This 8th day of July, 2021.


KENNETH E. BARTON III
Georgia Bar No. 301171
JOHN M. MCCALL
Georgia Bar No. 778954
Attorneys for Plaintiffs

COOPER, BARTON & COOPER, LLP
170 College Street
Macon, Georgia 31201
(478) 841-9007 telephone
(478) 841-9002 facsimile
keb@cooperbarton.com
jmm@cooperbarton.com